Ministry of
Municipal Affairs
and Housing

Ontario

THE PLANNING ACT

GUIDELINE 10

Official Plan Documents: Preparation, Adoption, Submission and Lodging

August 1984

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This series of guidelines explains:

- **those provisions of the legislation which are either new or significantly changed from the former Planning Act, and**
- **planning issues of interest to municipalities and the public.**

The guidelines should assist in understanding and applying the new legislative provisions, but are advisory only. While some guidelines include proposed methods of applying these provisions, they do not describe the *only* ways of using them.

The guidelines should *not* therefore be interpreted as statements of government policy.

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1 INTRODUCTION

This guideline involves the revision and combination of two previously published guidelines "Official Plan Amendments — A Guide to Their Preparation" (October, 1979) and "Procedures for the Adoption, Submission and Lodging of Official Plans and Amendments Pursuant to the Requirements of the Planning Act" (November, 1978). The revision reflects the requirements of the Planning Act, 1983.

Sections 2, 3 and 4 of this publication are designed to help municipal councils, planning boards in northern Ontario, planning advisory committees, planning or other municipal staff and consultants in preparing official plan amendments. Section 5 outlines the process for adopting, submitting and lodging official plans and amendments.

2 PREPARATION OF AN OFFICIAL PLAN AMENDMENT

This portion of the guideline describes:

- a suggested *form* for the amending document, and
- the information that should be included in an amendment.

The term "section" or "Act" as used in this guideline refers to the Planning Act, 1983. The term "council", unless otherwise indicated, includes planning boards in areas without municipal organization.

A major change introduced by the Act is the elimination of all planning areas and planning boards in southern Ontario. This change recognized the principle that municipal planning involves the making of public policy which should be the responsibility of elected representatives. The absence of planning boards in southern Ontario has caused differences in the official plan process between northern and southern Ontario. As the process is similar in most respects, only the differences have been highlighted. References to planning boards or planning areas are intended for northern Ontario.

This portion of the guideline contains a sample amendment. Each section of the sample appears on a page opposite the text describing it. Read in sequence, the examples illustrate a complete official plan amendment from the standpoint of form and information.

This publication is intended as a guide only. The Community Planning Advisory Branch (C.P.A.B.) of the Ministry of Municipal Affairs and Housing has field offices throughout Ontario. Staff is available to provide advice regarding specific amendments and financial assistance if eligible. The Plans Administration Branches, North and East and Central and Southwest, of the ministry can provide a useful draft review of amendments and can also be contacted for advice. Their addresses are listed at the back of this publication.

Legal questions concerning amendments should be directed to your solicitor.

Also listed at the back of this guideline are references to other guidelines produced by this ministry which explain in more detail the functions and processes under the Planning Act, 1983 touched on in the body of this guideline.

Official Plan

An official plan is a comprehensive statement containing objectives and policies established primarily to provide for the physical development of a municipality or an area that is without municipal organization. The plan must have regard to relevant social, economic and environmental matters. Generally speaking, each plan will vary according to the nature, objectives and opportunities of the municipality or planning area it covers.

Most plans comprise maps and a text. One of the maps is usually a land use plan showing where residential, industrial and agricultural uses are expected to locate. The text outlines development policies pertaining to the land use designations on the map. For instance, within the residential use designation the text may clarify at what density development could occur and whether parks, schools, local stores, or public utilities are permitted. It might also specify under what circumstances such uses would be permitted.

No official plan can be expected to anticipate all the future land use requirements in a community. For this reason, the Planning Act, 1983 requires every council that has adopted and had approved an official plan to determine if there is a need to revise it. This determination is required at least every five years. For this purpose, a special advertised meeting of council, open to the public must be held (section 26).

The Amendment

A municipal council, through a formal amendment process, can change any portion of its official plan. In this way, reasonable development proposals can be considered which would otherwise be discouraged because they do not conform with official plan policies.

All sections of the Planning Act pertaining to official plans also apply to official plan amendments. These include notice of public involvement, adoption, submission, lodging and appeal procedures.

The nature of official plan amendments varies from one municipality to the next or even within a single municipality.

For example, an amendment can propose changes in land use in the text or on any map(s), or refinement of the plan's development policy.

It can also outline detailed policies for an entire village or for a specific sector of a municipality.

The preparation of the amendment should consider the following principles:

- regard must be given to policy statements issued under section 3 of the Act;
- the amendment must conform to upper tier (e.g. county or regional) official plan provisions;
- the amendment should be consistent with other municipal policies; and
- it should have regard for land use compatibility, the public interest and general reasonableness.

The sample amendment presented here proposes changes to an official plan for a municipality called Smithtown. It is a fairly straightforward amendment consisting of a land use designation change in the town, and the addition of associated commercial policies. The sample is divided into sub-components. Each sub-component appears in the box opposite the text describing it.

Who Initiates an Amendment

An official plan amendment may be initiated by:

- an individual or organization wanting a certain parcel of land redesignated to permit a specific development proposal;
- council of a municipality (including a council within a planning area in northern Ontario);
- planning boards in northern Ontario;
- the Minister of Municipal Affairs and Housing if a matter of provincial interest (as set out in a policy statement issued under section 3 of the Act) is or is likely to be adversely affected by the provisions of the official plan.

Section 22 of the Act provides an appeal mechanism for any person. If council, or planning board in northern Ontario, either refuses to consider the amendment requested within 30 days or refuses to adopt it, the applicant can ask the minister to refer the proposed amendment to the Ontario Municipal Board.

The minister may refer the amendment to the Municipal Board. Should the minister refuse to refer the amendment, he must provide a written explanation for the refusal. In deciding on these proposals, the OMB may refuse the application, make the amendment or direct that the municipality make the amendment.

Who Prepares an Amendment

The council of a municipality may prepare an amendment on its own initiative based on advice of a planning advisory committee, planning board, municipal staff, consultant, or upon application for an amendment submitted by an individual or organization. In northern Ontario a planning board may also prepare an amendment.

When an individual requests an official plan amendment, a written explanation should accompany the application to council outlining:

- why the change is desirable;
- what specific changes are requested. This may be a description of the change, or a draft amendment.

Who Approves an Amendment

The Minister of Municipal Affairs and Housing (or his delegate) approves official plan amendments. The actual review of an amendment is carried out by the Plans Administration Branches, North and East and Central and Southwest, located in Toronto. Where the minister has delegated his responsibility to approve local official plans and amendments, a similar review is carried out by the delegated authority. To date, this authority has been delegated to the Regional Municipalities of Waterloo and Ottawa-Carleton.

Section 21(2) of the Act allows the minister, in writing, to waive the requirement for approval of a proposed amendment where no matter of provincial interest is adversely affected and no request for referral to the Municipal Board has been received.

Although the minister approves official plan amendments, there is an appeal mechanism, i.e. request for referral to the OMB. The minister must refer the amendment, or any part, when requested unless he considers the request frivolous, vexatious, made for the purpose of delay or not made in good faith. Once a referral is made, the OMB assumes the minister's authority and can make any decision that the minister could have made. The board's decision is final unless the minister, at least thirty days before the hearing, declares that a matter of provincial interest is or is likely to be adversely affected by the amendment. In this case, the OMB's decision is subject to consideration by the Lieutenant-Governor in Council.

Official Plan Amendment Preparation Process

There are a number of steps council must follow before it adopts an official plan amendment:

- council must ensure that the public has adequate information on an official plan amendment. This may be achieved in one of two ways:

  i) by following the process of sections 17(2) and (3) of the Act and related regulations,

  — the public meeting must be held by council or a committee of council authorized under section 106 of the Municipal Act to hold meetings on behalf of council.

  — a public meeting may be held by a planning advisory committee or staff, but such a meeting would not fulfill the requirements of the Act for the mandatory meeting by council.

  ii) by following measures for informing and securing the views of the public if alternative procedures are contained in the approved official plan (section 17(4)).

Whether the public involvement procedures of the Act and regulations or alternative procedures in the official plan are used, the following applies:

- council should provide adequate information to agencies which it considers have an interest in the matter and allow for comments within a reasonable period of time (section 17(5)).

- consideration should be given to discussing a draft official plan amendment with the Plans Administration Branch (of the Ministry of Municipal Affairs and Housing) or staff of the delegated authority which has jurisdiction for processing documents in the area.

- section 60 of the Act provides that at the public meeting any person wishing to make representation must be given a fair opportunity to be heard. Where substantive changes are made to a proposal following the public meeting, council should determine if a further public meeting or other opportunity for public input is necessary.

When council is satisfied that an amendment is suitable for adoption and takes into account the results of the meeting(s) and comments of agencies, it may, by by-law, adopt the official plan amendment. Council then proceeds as outlined in section 5 of this guideline on procedures for adoption, submission and lodging of official plan amendments.

3 FORM OF AN OFFICIAL PLAN AMENDMENT

The content of official plan amendments varies substantially from one municipality to another. However, each official plan amendment should use a consistent form. This makes reading of official plan amendments easier for those who use them — councillors, planners, lawyers, developers and the general public.

Consistency in form makes for easier understanding by the approval authority and can help to minimize the approval time. It also simplifies municipal consolidation of the amendments and the official plan.

Components

Ideally, an amendment should be divided into five distinct components. These are, in order of their appearance in the amending document:

- official documentation pages
- identification components
- Part A — The Preamble
- Part B — The Amendment
- Part C — The Appendices

By dividing an amendment into distinct components, the reader can readily see which part of the document is the actual amendment and which is supplementary material. A well-organized document also assists the reader in immediately determining the legal status of various parts of the document.

Sub-components

Most components can, and should be, divided into distinct sub-components. This practice also contributes to the reader's understanding of the document and its relationship to other official plan policies for the area. These sub-components are discussed in detail in section 4.

4 CONTENT OF AN OFFICIAL PLAN AMENDMENT

Incorporating complete, accurate information into an amendment is extremely important. Extraneous information will only confuse the reader and complicate the approval of the amendment.

In this section, the contents of an amendment will be examined in order of their suggested appearance in the amending document. This material represents the type of information the ministry feels is essential in any proposal to change the established policies.

Official Documentation Pages

There are three sub-components of official documentation pages:

(1) the certificate page (for planning boards only);

(2) the adopting by-law; and

(3) the approval page.

Together they attest to the official status of the amendment.

Certificate Page

A certificate page indicates that an amendment was recommended to council by planning board and subsequently adopted by council. It is normally inserted in the front of the amending document. Samples of certificate pages are shown at the end of section 5 (see Samples 1 and 2).

The Adopting By-law

The adopting by-law certifies that council (or planning board in the case of an unorganized area) has formally adopted the proposed amendment, *by by-law,* as required by section 17(6) of the Act.

Samples of adopting by-laws appear at the end of section 5 (see Samples 3, 4, 5, 6 and 7).

The Approval Page

The approval page certifies that the amendment has received approval from the Minister of Municipal Affairs and Housing or his delegate.

This page may be included in the official plan amendment document submitted by the municipality or planning board using the sample opposite.

If the minister modifies the document, these modifications will be set out in an appropriate approval page inserted by the ministry. Delegated authorities would use a similar method of indicating their approval.

If no modifications are made by the ministry or delegate and a properly worded approval page has been included by the municipality, this will be used.

THE APPROVAL PAGE

This amendment to the Official Plan for the Town of Smithtown which has been adopted by the Council of the Corporation of the Town of Smithtown, is hereby approved in accordance with section 17 of the Planning Act, 1983 as Amendment No. 1 to the Official Plan for the Town of Smithtown.

Date: _____ _____ (Original Signature)

Approval Authority

The Index Page

An index page referring to the page number of each component of the amendment is extremely useful. The index page is usually placed immediately following the official documentation pages.

AMENDMENT NO. 1 TO THE OFFICIAL PLAN FOR THE CORPORATION OF THE TOWN OF SMITHTOWN

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Identification of Components

The first two sub-components of an amendment are:

(1) the title; and

(2) the statement of components.

A *title* identifies the municipality or portion thereof that will be affected by the proposed amendment. The *statement of components* identifies which part of the document is the actual amendment, and which part is supplementary information.

The Title

Every amendment must be given a title. The wording of the title is standard, consisting of the number of that particular amendment, and the name of the municipality or the name of the planning area.

The name of the planning area must be the one given by the Minister of Municipal Affairs and Housing, or predecessors acting in his capacity, when the planning area was constituted. No other name should be used.

AMENDMENT NO. 1 TO THE OFFICIAL PLAN

FOR THE CORPORATION OF THE TOWN OF SMITHTOWN

The Statement of Components

Because an amending document consists of many parts, a simple statement should follow the title, indicating which parts constitute the actual amendment. An actual amendment usually proposes changes to part of the written text plus part of the map. Often the portions of the document which are not part of the actual amendment are also clarified.

PART A — THE PREAMBLE does not constitute part of this amendment.

PART B — THE AMENDMENT, consisting of the following text and map (designated Schedule "A"), constitutes Amendment No. 1 to the Official Plan for the Town of Smithtown.

Also attached is **PART C — THE APPENDICES** which does not constitute part of this amendment. These appendices (I through V inclusive) contain the background data, planning considerations and public involvement associated with this amendment.

Part A — The Preamble

The function of the preamble is to introduce the actual amendment. Since it is not part of the actual amendment, it is not incorporated as policy within the official plan.

The preamble should be broken down into three sub-components:

(1) the purpose;

(2) the location; and

(3) the basis

The Purpose

The purpose describes what change is being contemplated by a proposed amendment. It should specifically describe the main reasons for the proposal. The most common changes made by amendments are:

(1) a change to the text only; or

(2) a change to the map(s) only; or

(3) a change to the map(s) and text.

PART A — THE PREAMBLE

PURPOSE

The purpose of this amendment is:

(1) to change the land use designation of certain lands, as shown on Schedule "A" attached, from "Residential" to "Commercial"; and

(2) to set forth additional policies governing the area affected by this amendment.

The Location

The location is a straightforward part of the amending document. Its purpose is to provide quick reference to those portions of the official plan being considered for changes. The location is especially useful when numerous amendments already exist or are being proposed.

If a proposed amendment is to add a new policy, or change a portion of the text, the exact spot where the addition or change is to be inserted in the official plan should be stated. If the change involves amending a map, the location of the part being changed should be mentioned. This location is often illustrated in colour, or by cross-hatching, on a copy of the pertinent map.

It is important to remember that the description or symbols used in an amendment should be consistent with those used in the official plan. In this way, reviewing and understanding an official plan will remain easy, regardless of the number of changes the plan undergoes.

LOCATION

This amendment consists of two parts which shall be referred to as items (1) and (2).

Item (1): The lands affected by this redesignation are located on both sides of Main Street, bounded by Brown Street, Jane Street, and Green Street on the east side and by Brown Street, Molly Street, and Green Street on the west side, as shown on Schedule "A" attached.

Item (2): Special policies governing the lands affected by this amendment are to be added to Section 3 (Commercial Policies) of the Official Plan for the Town of Smithtown as subsection 3.8.

The Basis

The basis is one of the most important parts of the amending document. It establishes the rationale behind the change being sought by the proposed amendment. The basis should include:

(a) a brief outline of the studies and analysis that were carried out; and

(b) the conclusions reached regarding the need for the amendment.

The basis is often supplemented by more detailed, explanatory material in appendices, background reports and studies.

BASIS

The lands affected by this amendment are presently designated "Residential" on Schedule "A" of the official plan. At the time the official plan was prepared, it was anticipated that the area designated "Commercial" on Main Street would be sufficient in size and level of services to serve the Town of Smithtown plus the surrounding area for some years to come.

At that time, it was desirable to restrict the size of the commercial area. Should expansion prove necessary it could be effected by an amendment to the official plan.

Recent urban expansion and an increase in the tourist trade beyond that anticipated when the official plan was prepared have contributed to the need for additional commercial facilities. On several occasions local businessmen have approached council for an increase in shopping facilities along Main Street.

The blocks intended for redesignation lie adjacent to existing shops on both sides of Main Street.

Generally, the properties concerned are:

(a) quite old — in the 40 to 60 year age category; and

(b) in a poor state of repair.

Some conversion from single family dwellings to retail stores had already taken place prior to the approval of the official plan. These have been recognized as legal non-conforming uses in the official plan.

The parking situation on Main Street is unsatisfactory, especially during the summer months. To some extent this problem will be rectified by allowing for new commercial development supporting additional parking facilities. Council feels it is time to change the official plan to meet some of these demands.

(For greater detail see Appendices I - V).

Part B — The Amendment

Part B is the actual amendment. It describes in very specific terms the actual changes being made to an official plan by that particular amendment. The text and map changes described in this section become an integral part of the official plan.

If the proposal is to change the land use designation of a specific property, this should be stated. In addition, the area affected by the redesignation should be outlined on a copy of the pertinent map contained in the official plan. If the proposal also intends to apply specific development policies to the site, this section should:

(1) state what these policies are; and

(2) indicate exactly where these policies will be inserted into the text of the official plan.

On the other hand, if the amendment only intends to incorporate new general development policies into the text, no map reference is made.

In most cases the actual amendment consists of two parts:

(1) the text; and

(2) the map(s).

The Text

The text is a written description of the actual amendment. It outlines new policies or changes to existing policies to be incorporated into the official plan.

The text should be distinctly separated into smaller parts. These usually include:

(1) an introductory statement; and

(2) details of the amendment.

The Introductory Statement

The introductory statement is a simple statement confirming which part of the total document constitutes the actual amendment.

PART B — THE AMENDMENT

All of this part of the document entitled Part B — The Amendment, consisting of the following text and attached map designated Schedule "A" (Land Use Plan) constitutes Amendment No. 1 to the Official Plan for the Town of Smithtown.

Details of the Amendment

The details of the amendment describe the actual changes in detail. Great care should be exercised in writing this section because it becomes policy in the official plan once the amendment receives approval under the Act. Consequently, it should exclude material not meant to be consolidated as policy into the official plan.

Here are a few examples:

(1) If a certain phrase or policy is to be substituted in the original text of the official plan, the actual substitution must be stated.

eg. "Subsection 3.13(b) 'Designation' of Section 3 'Land Use Policies' is deleted, in its entirety, and replaced by the following: . . . . . (outline the substituted policies)".

(2) If a map is to be amended, the exact change to the map must be stated.

eg. "The 'Land Use and Roads Plan' being Schedule 'C' to the Official Plan for the Town of Smithtown is amended by redesignating the areas shown in blue on Schedule 'C' attached, from 'Open Space' to 'Hamlet' ".

(3) If special policies applicable to the land use redesignation are also proposed, they must be stated, and their proposed location within the text of the official plan must be indicated.

(4) If a new policy is to be added, its relation to the existing policies should be described.

eg. "Section 3(10)(b) of the Official Plan for the Town of Smithtown is hereby amended by adding the following new clause at the end of this section: . . . (outline the clause)".

Implementation and Interpretation

An official plan already contains provisions for describing how the plan will be put into effect and for interpreting its land use policies. Only implementation or interpretation policies differing from those already contained in the plan should be included as part of the actual amendment.

DETAILS OF THE AMENDMENT

The Official Plan is amended as follows:

Item (1): The area indicated on the attached Schedule "A" of the Official Plan is hereby redesignated from "Residential" to "Commercial".

Item (2): Section 3 (Commercial Policies) of the Official Plan for the Town of Smithtown is amended by adding the following new subsection after subsection 3.7:

"3.8 Prior to the approval of any application for commercial development of the area bounded by Jane, Green, Molly and Brown Streets, council shall be satisfied that:

(i) the proposed commercial use is harmonious with the visual character and scale of the existing commercial development south of Green Street;

(ii) all service access will be from Jane Street or Molly Street;

(iii) ingress and egress of parking facilities associated with the proposed commercial use will not cause danger to:

(a) vehicular movement on Main Street;

(b) general pedestrian movement in the area; or

(c) the surrounding residential area."

IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this Amendment shall be in accordance with the respective policies of the Smithtown Official Plan.

The Map(s)

Experience indicates that most amendments require a map, or maps. These are usually called "schedules". They offer a visual description of the proposed change. Once the amendment is approved, the change described on the map becomes an integral part of the official plan.

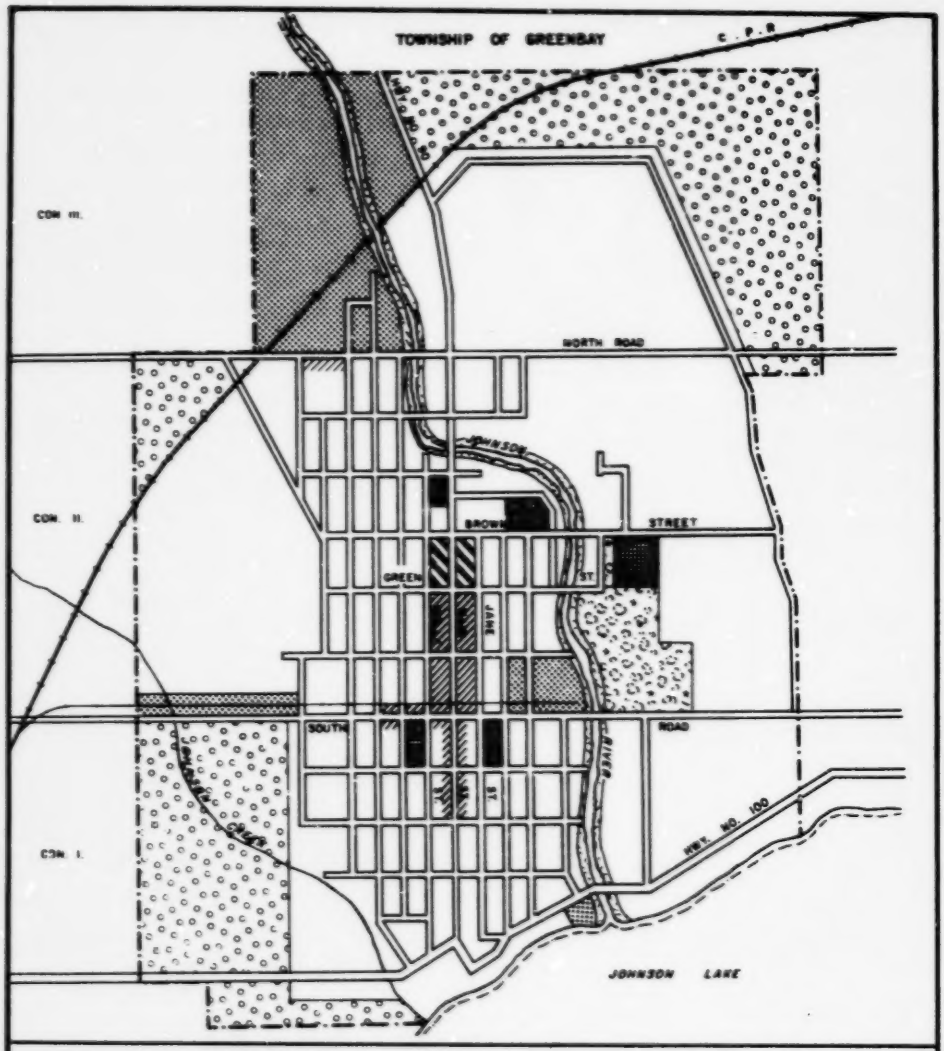
An official plan often contains several maps. These could illustrate the location of future land use, transportation corridors, sewers and water supply, or staging of development. *Only those maps intended to be changed should be included in the actual amendment.*

The map used for an amendment should be an exact copy, usually a print, of the one used in the official plan. This practice is advantageous because it relates the amendment back to the official plan. The map used should also reflect any changes made in previously approved amendments to the plan.

It is helpful to:

(1) outline in colour, or cross-hatch, the lands affected by an amendment on a copy of the pertinent map; and

(2) state the proposed redesignations directly on the map copy.



AMENDMENT No. 1 TO THE OFFICIAL PLAN FOR THE TOWN OF SMITHTOWN

SCHEDULE "A"
LAND USE PLAN

NOTE-THIS SCHEDULE FORMS PART OF AMENDMENT No. 1 TO THE OFFICIAL PLAN FOR THE TOWN OF SMITHTOWN AND MUST BE READ IN CONJUNCTION WITH THE WRITTEN TEXT

L E G E N D

- HAZARD
- RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- RURAL
- OPEN SPACE
- INSTITUTIONAL
- PLAN BOUNDARY
- AREA AFFECTED BY THIS AMENDMENT– PROPOSED CHANGE FROM RESIDENTIAL TO COMMERCIAL

100 0 100 200
SCALE IN METRES

DATE : JUNE 84

Part C — The Appendices

The Summary Page

For easy reference it is useful to summarize the appendices on a separate page inserted immediately before the appendices.

PART C — THE APPENDICES

The following appendices do not constitute part of Amendment No. 1, but are included as information supporting the amendment.

Appendix I History of the Community

Appendix II Topography and Soils

Appendix III Population Growth

Appendix IV Land Use Survey and Analysis

Appendix V Public Meeting

The Appendices

Appendices do not form part of the actual amendment. Nevertheless, they contain reference material or detailed information relevant to it. They are normally placed at the back of the document.

Appendices sometimes consist of:

(1) a chart or table (e.g. land use survey, population analysis);

(2) additional maps (e.g. soil capability, existing land use);

(3) minutes and resolutions of council meetings; or

(4) details of public meetings.

APPENDIX I: BACKGROUND TO THE AMENDMENT

This could explain the reasons for council's decision to prepare and adopt the official plan amendment.

APPENDIX II: TOPOGRAPHY AND SOILS

Where pertinent, this might explain how the existing soil and/or topography could affect development proposed by the amendment.

APPENDIX III: POPULATION GROWTH

This appendix may indicate trends over a period of time as these relate to the change proposed by the amendment.

APPENDIX IV: LAND USE SURVEY AND ANALYSIS

1. Existing land uses on the site and in the vicinity of the proposed official plan amendment should be discussed.

2. Planning considerations may discuss factors regarded in assessing the suitability of the proposed area for the change in use (e.g. traffic, parking, land use compatibility).

APPENDIX V: PUBLIC MEETING(S)

This should summarize the discussion at any public meeting, including the public meeting of council required by section 17(2) of the Act.

NOTE: This section only refers to the usual type of information likely to be included in Appendices.

5 ADOPTION, SUBMISSION AND LODGING OF OFFICIAL PLANS AND AMENDMENTS

This portion of the guideline is divided into two sections, one for single official plans and the other for joint official plans. Single official plans may be prepared by any municipality in Ontario. A joint official plan may be prepared for all or part of a planning area in northern Ontario.

The term "official plan" or "plan" as used in the text and samples in this guideline means an official plan or an amendment. "Minister" refers to the Minister of Municipal Affairs and Housing *or his delegate,* where appropriate.

Inquiries regarding post-adoption procedures for local official plan documents in areas with delegated approval authority should be directed to that authority.

Single Official Plans

Adoption

When the requirements of public involvement and agency consultation have been fulfilled, council may, by by-law, adopt the plan and submit it to the minister for approval. Before submitting the plan, the clerk:

- places a certified copy of the adopting by-law in front of the document (Sample 3), and
- gives written notice of adoption of the plan within fifteen days to:
  - the minister;
  - each person who filed with the clerk a written request for this notice; and
  - each agency which submitted comments and made a written request for this notice.

Submission

The submission to the minister must contain:

- **Record,** under subsection 17(7) of the Act, 1983, consisting of:
  - **certified copy of the by-law** adopting the plan;
  - **statement by an employee** of the municipality certifying compliance with the requirements for public involvement. The requirements of either the Act and Ontario Regulation 402/83 or approved alternative provisions in the official plan would apply to public involvement. The statement must also certify that notice of adoption has been given in accordance with section 17(8) of the Act. This statement may be in the accompanying letter, a separate document or an appendix, but *not* within the text of the official plan (Sample 9).
  - **the original or true copy of *all* written submissions** or written comments and accompanying material received before the adoption of the plan. This information is not intended to include a transcript of verbal submissions and comments made at public meetings. It may take the form of a summary certified by the clerk. For extensive written submissions, a certified copy of a summary is acceptable. Where no written submissions have been made, a statement confirming this should be included as this part of the record.

— **such other information or material as the minister may require.** This always includes the **original and copies of the official plan or amendment.** To ensure sufficient copies of the plan to allow the minister to consult interested public authorities, the original, *two (2) duplicate original* and forty (40) working copies of the official plan should be submitted. (Duplicate originals are usually retained by the ministry.)

For official plan amendments, the original, *two (2) duplicate original* and twenty (20) working copies should be sufficient. However, for major amendments, additional copies may be required. In this case municipal staff should consult with the staff of the appropriate Plans Administration Branch or the delegated authority regarding the number of copies required.

The original and duplicate original for official plan documents should contain original signatures in a certified copy of the by-law adopting the plan. The working copies need not contain a copy of the by-law. Nevertheless, they must be true copies of the original. They should be clearly marked "WORKING COPY FOR CANVASSING PURPOSES ONLY".

Depending on the proposed amendment, the minister may also require pertinent background studies which have been done for the proposal or existing land use maps where these are not provided and are considered necessary for consideration of the amendment.

Lodging

Upon approval of the plan by the minister, the Act requires that a certified copy be lodged in his office and the office of the clerk of each municipality specified by the minister. There is no longer a requirement that the plan be lodged in the Land Registry Office.

Lodging with the Minister

The Act requires two certified copies of the plan to be lodged in the office of the minister upon approval of the document (section 20(1) of the Act). In areas with delegated approval authority, the authority lodges a certified copy of the plan with the minister and retains another certified copy.

Lodging in the Municipality

The act also requires one certified copy of the plan to be lodged in the office of the clerk of each municipality specified by the minister.

Certified Copies

The certified copies of the plan must include any modifications made by the minister. The clerk, by certificate in the front of the documents, should certify each copy by stating that it is a true copy of the official plan as approved by the minister. (Sample 8). Copies of the plan must be available for public inspection during office hours.

Repeal and Concurrent Adoption

To discontinue an approved official plan, council revokes the by-law(s) adopting that plan and any amendments. The public involvement requirements of the Planning Act or alternative public involvement provisions in the official plan apply to the repeal of an official plan.

When a plan is proposed for repeal at the same time a new plan is adopted, this is referred to as a repeal and concurrent adoption. The public involvement procedures of the Act and regulations apply to both the repeal and the concurrent adoption and can be combined in one notice and public meeting. The plan adopted and the by-law proposing the repeal, where it is separate from the by-law adopting the new official plan, are submitted to the minister with the record described earlier. The adopting by-law in this procedure (Sample 4) is slightly different from a standard adopting by-law (Sample 3).

Joint Official Plans

This section deals with the process for adoption, submission, lodging and repeal of official plans when a planning board prepares a plan for a planning area in northern Ontario.

The term "joint official plan" as used in this guideline means an official plan for a planning area in a territorial district (northern Ontario) not a plan for former joint planning areas in southern Ontario. Accordingly, this section does not deal with the adoption process for joint plans which are continued by the minister under section 71(3) of the Act. The minister allocates such plans and no requirement for adoption is placed upon the municipality or municipalities. Amendments to these plans are adopted by the council to which the plan (or portions of the plan) applies and the adoption procedures are the same as those in section 5.1 of this guideline entitled Single Official Plans.

Northern Ontario municipalities (within or outside a planning area) who wish to *prepare* their own plans should also use section 5.1 of this guideline (SINGLE OFFICIAL PLANS) for their official plan procedures.

Adoption

A council of a municipality within a planning area may adopt a plan recommended by the planning board. This plan may be a plan for the entire planning area or for the municipality only.

A plan recommended by the planning board should include a certificate page confirming this recommendation when council sends the adopted plan to the minister (Sample 1). When the plan is adopted by council it must also include a certified copy of the adopting by-law as required by the Act (Sample 5).

Plan for the Planning Area

A plan for the entire planning area, prepared by a planning board and approved by a majority of its members, must be submitted to the council of each municipality to which the plan applies (section 18(2)). Each council then holds the public meeting and consults agencies it considers are affected as required by sections 17(2) and 17(5) of the Act. Each council may then adopt the plan by by-law. The council is responsible for ensuring that the record required under section 17(7) of the Act is sent to the minister. That may be done by the clerk of the municipality or by the secretary-treasurer of the planning board.

Within 15 days after the plan is adopted, the clerk must give written notice of the adoption. This notice is sent to the minister, each person who files with the clerk a written request for this notice and each agency which submitted comments and made a written request for this notice. Subsequently, the clerk sends a certified copy of the adopting by-law to the secretary-treasurer of the planning board (section 18(3)).

When the secretary-treasurer has received copies of the adopting by-laws from a majority of the councils to which the plan was submitted, he forwards the plan to the minister for approval together with copies of the adopting by-laws (section 18(4)).

Plan for a Municipality Within a Planning Area

A plan prepared by a planning board for one municipality must be approved by a majority of the members of the board before it can be submitted to council. The adoption process is similar to that for a plan for the entire planning area; however, the secretary-treasurer receives a certified copy of the adopting by-law only from the council to which the plan was submitted. The council ensures that the record required under section 17(7) of the Act is forwarded to the minister.

Section 21(1) of the Act allows the council of a municipality within a planning area to initiate an amendment to or a repeal of any official plan that applies to the municipality. Council must follow the adoption and submission procedures described in section 5.1 entitled Single Official Plans. The planning board is not required to be given a copy of the adopting by-law, nor does it submit the plan to the minister. Council should, however, keep the planning board advised of such submissions.

Plan for Unorganized Areas

Where a planning area either contains or consists entirely of an area without municipal organization, the planning board is responsible for adopting (by by-law or resolution) the plan for the unorganized part of the planning area (Sample 7). Following adoption by the board, the secretary-treasurer assumes the responsibilities of a municipal clerk. The secretary-treasurer is responsible for placing a certified copy of the by-law /resolution adopting the plan, in front of the document and preparing the record, including all other material to be submitted to the minister. As well, the secretary-treasurer must give written notice of adoption of the plan within 15 days as required by section 17(8) of the Act.

Submission

The submission to the minister must contain:

- **Record,** under section 17(7) of the Act consisting of:
  - **certified copies of the by-laws** adopting the plan from the majority of councils to which the plan was submitted, and a certified copy of the by-law or resolution of the planning board adopting the plan for the unorganized area;
  - **statement by an employee** of each municipality certifying compliance with the requirements for public involvement. The requirements of either the Act and the regulation or approved alternative provisions in the official plan would apply to public involvement. The statement should also certify that notice of adoption has been given in accordance with section 17(8) of the Act. This statement (Sample 9) may be in the accompanying letter, a separate document or an appendix, but *not* within the text of the official plan.
  - **the original or true copy of all written submissions** or written comments and accompanying material received before the adoption of the plan. This information is not intended to include a transcript of verbal submissions and comments made at public meetings. It may take the form of a summary certified by the clerk. For extensive written submissions, a certified copy of a summary is acceptable. Where no written submissions have been made, a statement confirming this should be included as part of the record.
  - **Such other material as the minister may require.** This always includes the **original and copies of the official plan or amendment.** In order that there are sufficient copies of the plan to allow the ministry to consult interested public authorities, the original, *two (2) duplicate originals* and forty (40) working copies of the official plan should be submitted. (Duplicate originals are usually retained by the ministry.)

    For official plan amendments, the original, *two (2) duplicate originals* and twenty (20) working copies should be sufficient. However, for major amendments, additional copies may be required. In this case municipal staff should consult with the staff of the Plans Administration Branch, North and East, regarding the number of copies required.

    The original and duplicate originals for official plan documents should contain original signatures in a certified copy of the by-law adopting the plan and the certificate page. The working copies need not contain a copy of the by-law or the certificate page. Nevertheless, they must be true copies of the original. They should be clearly marked "WORKING COPY FOR CANVASSING PURPOSES ONLY".

The minister may also require background studies on the proposal done by or for planning board or existing land use maps where these are not provided and are considered necessary for consideration of the amendment.

Section 18(3) of the Act requires that when a plan is adopted, the council of each municipality included in the planning area is responsible for compiling the record just described and cause it to be forwarded to the minister under section 17(7). Councils and the planning board may consider an arrangement whereby this information is sent from the clerks to the secretary-treasurer so that a complete submission can be sent to the minister by the secretary-treasurer. If this is done by each municipality included in the plan, the submission by the secretary-treasurer would consist of all of the adopting by-laws and records of the municipalities in the planning area along with the plan. However, the clerk of each municipality must send the notice of adoption of the official plan required under section 17(8) of the Act to the minister, every person who requested this notice and each agency that commented on the proposal and requested this notice.

Lodging

Upon approval of the plan by the minister, the Act requires that certified copies be lodged in his office and the office of the clerk of each municipality specified by the minister. There is no longer a requirement that the approved official plan be lodged in the Land Registry Office.

Lodging with the Minister

The Act requires two certified copies of the plan to be lodged in the office of the minister upon approval of the document (section 20(1) of the Act).

Lodging in the Municipality

The Act requires one certified copy of the plan to be lodged in the office of the clerk of each municipality specified by the minister.

The Act stipulates that the lodging be carried out by the clerk of the municipality where an official plan affects all or part of one municipality and an unorganized area.

In a planning area, the clerk of the only municipality or the municipality with the largest population will be asked to prepare sufficient certified copies of the official plan as approved by the minister to be lodged in the office of the clerk of each municipality specified by the minister when notice of his decision is given. The official plan document must include any modifications made by the minister and they must be inserted in the appropriate sections of the plan. The clerk, by a certificate affixed in the front of the documents, should certify each copy by stating that it is a true copy of the official plan as approved by the minister (Sample 8). The number of certified copies required for lodging in municipal offices will depend on the number of municipalities involved.

Repeal and Concurrent Adoption

To discontinue an approved official plan, council (or planning board for unorganized areas), revokes the by-law(s) or resolution(s) adopting that plan and any amendments. The repeal process is similar to the adoption process in section 17 of the Act except that council may initiate a repeal of any official plan applying to that municipality. The public involvement requirements of the Planning Act or alternative public involvement provisions in the official plan apply to the repeal of an official plan.

When the repeal of a plan is done at the same time as the adoption of a new plan, this procedure is referred to as a repeal and concurrent adoption. The adopted plan and the by-law proposing the repeal is submitted to the minister for approval after the required public involvement procedures have been fulfilled. The certificate page and adopting by-law for documents involved in this procedure (Samples 2 and 6) are slightly different from a standard adoption (Samples 1 and 5).

SAMPLE 1

CERTIFICATE PAGE FOR OFFICIAL PLAN*

(for a planning area)

OFFICIAL PLAN*

FOR THE

..... PLANNING AREA

The Official Plan* for the ..... planning area consisting of the attached maps and explanatory text, was prepared by the ..... Planning Board and was recommended to the Council of the ..... under section 18(2) of the Planning Act, 1983, on the ..... day of ....., 19.....

CORPORATE SEAL OF PLANNING BOARD

_____ _____

Chairman Secretary-Treasurer

(Original Signatures)

This Official Plan* was adopted by Council(s) of the Corporation of ..... by By-law number(s) ..... under section 18(3) of the Planning Act, 1983 on the ..... day of ....., 19.....

CORPORATE SEAL(S) OF MUNICIPALITY OR MUNICIPALITIES

_____ _____
_____ _____
_____ _____
_____ _____
_____ _____
_____ _____

Mayor or Reeve Clerk

(Original Signatures)

*Substitute "Official Plan Amendment" and number where appropriate.

SAMPLE 2

CERTIFICATE PAGE FOR OFFICIAL PLAN*

(repeal and concurrent adoption of a plan for a planning area)

OFFICIAL PLAN*

FOR THE

..... PLANNING AREA

The repeal of the Official Plan* for the ..... Planning Area (which Official Plan was approved by the Minister of Municipal Affairs and Housing on ....., and subsequently amended), was recommended by the ..... Planning Board to the Council of the Corporation of ..... on the ..... day of ....., 19.....

The Official Plan* for the ..... Planning Area consisting of the attached maps and explanatory text was prepared by the ..... Planning Board and recommended to the Council of the Corporation of ..... under section 18(2) of the Planning Act, 1983, on the ..... day of ....., 19.....

_____ _____

Chairman Secretary-Treasurer

(Original Signatures)

CORPORATE SEAL OF PLANNING BOARD

The Official Plan* for the ..... Planning Area having been recommended for repeal by the ..... Planning Board, was repealed by By-law number(s) ..... under section 17 of the Planning Act, 1983, on the ..... day of ....., 19.....

The Official Plan* for the ..... Planning Area, consisting of the attached maps and explanatory text as recommended by the ..... Planning Board, was adopted by the Corporation of ..... by By-law No. ..... under section 18(3) of the Planning Act, 1983, on the ..... day of ....., 19.....

Signed _____ _____

Mayor or Reeve Clerk

(Original Signatures)

CORPORATE SEAL OF MUNICIPALITY

*Substitute "Official Plan Amendment" and number where appropriate.

SAMPLE 3

ADOPTION BY-LAW FOR OFFICIAL PLAN*

(for a municipality outside a planning area)

BY-LAW NO. .....

The Council of the Corporation of ....., under section 17(6) of the Planning Act, 1983, hereby enacts as follows:

1. The Official Plan* for the ..... consisting of the attached maps and explanatory text, is hereby adopted.

2. The Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for approval of the Official Plan* for the .....

3. This By-law shall come into force and take effect on the day of the final passing thereof.

Enacted and passed this ..... day of ....., 19.....

Signed _____ (Original Signatures)

Reeve, Mayor, Warden or Chairman

CORPORATE SEAL OF MUNICIPALITY

Signed _____ (Original Signature)

Clerk

Certified that the above is a true copy of By-law No. ..... as enacted and passed by the Council of the ..... on ....., 19.....

Signed _____

Clerk

*Substitute "Official Plan Amendment" and number where appropriate.

SAMPLE 4

ADOPTION BY-LAW FOR OFFICIAL PLAN*

(repeal and concurrent adoption of a plan for a municipality outside a planning area)

BY-LAW NO. .....

The Council of the Corporation of ..... under section 17 of the Planning Act, 1983, hereby enacts as follows:

1. The Official Plan* and all amendments thereto for the ..... (approved by the Minister of Municipal Affairs and Housing on ..... and subsequently amended), is hereby repealed.

2. By-law number(s) ..... which adopted the Official Plan* for the ..... is (are) hereby repealed.

3. The Official Plan* for the ..... consisting of the attached maps and explanatory text is hereby adopted.

4. The Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for the approval of this repeal and the approval of the attached Official Plan* for the .....

5. This By-law shall come into force and take effect on the day of final passing thereof.

Signed _____ (Original Signatures)
Head of Council

CORPORATE SEAL OF MUNICIPALITY

Signed _____ (Original Signature)
Clerk

Certified that the above is a true copy of By-law No. ..... as enacted and passed by the Council of the ..... on the ..... day of ....., 19.....

Signed _____ (Original Signature)
Clerk

*Substitute "Official Plan Amendment" and number where appropriate.

Item 2 applies only if the municipality adopted the plan which is being repealed. In other cases, Item 2 is not necessary.

SAMPLE 5

ADOPTION BY-LAW FOR OFFICIAL PLAN*

(for a planning area)

BY-LAW NO. .....

The Council of the Corporation of ..... under section 18(3) of the Planning Act, 1983, hereby enacts as follows:

1. The Official Plan* for the ..... Planning Area, consisting of the attached maps and explanatory text, is hereby adopted.

2. This By-law shall come into force and take effect on the day of the final passing there.

Enacted and passed this ..... day of ....., 19.....

Signed (Original Signature) Signed (Original Signature)

Mayor, Reeve Clerk

Certified that the above is a true copy of By-law No. ..... as enacted and passed by Council of the Corporation of..... ..... on the ..... day of....., 19.....

Signed (Original Signature)

Clerk of Municipality

CORPORATE SEAL OF MUNICIPALITY

*Substitute "Official Plan Amendment" and number where appropriate.

SAMPLE 6

ADOPTION BY-LAW FOR OFFICIAL PLAN*

(repeal and concurrent adoption of a plan for a planning area)

BY-LAW NO. .....

The Council of the Corporation of ..... under section 18 of the Planning Act, 1983, hereby enacts as follows:

1. The Official Plan* and all amendments thereto for the ..... Planning Area (approved by the Minister of Municipal Affairs and Housing on ..... and subsequently amended), having been recommended for repeal by the ..... Planning Board are hereby repealed.

2. By-law number(s) ..... which adopted the Official Plan* for the ..... Planning Area is(are) hereby repealed.

3. The Official Plan* for the ..... Planning Area consisting of the attached maps and explanatory text which has been recommended by the ..... Planning Board, is hereby adopted.

4. This By-law shall come into force and take effect on the day of final passing thereof.

Signed _____ (Original Signature)
Head of Council

CORPORATE SEAL OF MUNICIPALITY

Signed _____ (Original Signature)
Clerk

Certified that the above is a true copy of By-law No. ..... as enacted and passed by the Council of the ..... on the ..... day of ....., 19.....

Signed _____ (Original Signature)
Clerk

*Substitute "Official Plan Amendment" and number where appropriate.

Item 2 applies only if the municipality adopted the plan which is being repealed. In other cases, Item 2 is not necessary.

SAMPLE 7

ADOPTION BY-LAW FOR OFFICIAL PLAN*

(used by a planning board to adopt an official plan for an unorganized area)

BY-LAW NO. .....

The ..... Planning Board, under section 18(3) of the Planning Act, 1983, hereby enacts as follows:

1. The Official Plan* for the ..... Planning Area consisting of the attached maps and explanatory text, is hereby adopted.

2. This By-law shall come into force and take effect on the day of the final passing thereof.

Enacted and passed this ..... day of ....., 19.....

Signed _____ (Original Signature)
Chairman

CORPORATE SEAL OF PLANNING BOARD

Signed _____ (Original Signature)
Secretary-Treasurer

Certified that the above is a true copy of By-law No. ..... as enacted and passed by the ..... Planning Board on ....., 19.....

Signed _____ (Original Signature)
Secretary-Treasurer

*Substitute "Official Plan Amendment" and number where appropriate.

SAMPLE 8

CERTIFICATION THAT DOCUMENT IS A TRUE COPY

I hereby certify that the enclosed document is a true copy of the Official Plan* for the ..... as approved by the Minister of Municipal Affairs and Housing on the ..... day of ....., 19.....

Signed _____ (Original Signature)

Clerk

CORPORATE SEAL OF MUNICIPALITY

*Substitute "Official Plan Amendment" and number where appropriate.

SAMPLE 9

CERTIFICATION OF COMPLIANCE WITH PUBLIC INVOLVEMENT AND NOTICE REQUIREMENTS

I .....(name)....., ...(position)....., hereby certify that the requirements for the giving of notice, and the holding of at least one public meeting as set out in subsection 17(2)* of the Planning Act, 1983 and the giving of notice as set out in subsection 17(8) of the Planning Act, 1983 have been complied with.

*or section 17(4) if the official plan contains provisions re public notice.

For further information, contact any of the following offices of the Ministry of Municipal Affairs and Housing:

Community Planning Advisory Branch

Central Region
47 Sheppard Avenue East
2nd Floor
Willowdale, Ontario
M2N 2Z8
Telephone: (416) 224-7635
ZENITH 52650

South East Region
244 Rideau Street
3rd Floor
Ottawa, Ontario
K1N 5Y3
Telephone: (613) 566-3801
ZENITH 52650

North East Region
1191 Lansing Avenue
Sudbury, Ontario
P3A 4C4
Telephone: (705) 560-0120
TOLL FREE 1-800-461-1193

South West Region
495 Richmond Street
7th Floor
London, Ontario
N7A 5A9
Telephone: (519) 673-1611
TOLL FREE 1-800-265-4736

North West Region
435 James Street South
Thunder Bay, Ontario
P7C 5G6
Telephone: (807) 475-1651
ZENITH 52650

Plans Administration Branch — North and East

777 Bay Street
14th Floor
Toronto, Ontario
M5G 2E5
Telphone: (416) 585-6014

Plans Administration Branch — Central and Southwest

777 Bay Street
14th Floor
Toronto, Ontario
M5G 2E5
Telephone: (416) 585-6014

Local Planning Policy Branch

777 Bay Street
13th Floor
Toronto, Ontario
M5G 2E5
Telephone: (416) 585-6225

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